

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

DENNIS JAMES MINNER,

Petitioner,

vs.

CASE NO. 04-71772
HON. LAWRENCE P. ZATKOFF

DOUGLAS VASBINDER,

Respondent.

ORDER DENYING CERTIFICATE OF APPEALABILITY

This matter is before the Court for a determination as to whether a certificate of appealability should issue in this matter. “In a habeas corpus proceeding in which the detention complained of arises from process issued by a state court, or in a 28 U.S.C. § 2255 proceeding, the applicant cannot take an appeal unless” a certificate of appealability is issued under 28 U.S.C. § 2253(c). FED. R. APP. P. 22(b)(1). A certificate of appealability may be issued “only if the applicant has made a substantial showing of the denial of a constitutional right.” 28 U.S.C. § 2253(c)(2). In order to make such a substantial showing, a petitioner must show that “reasonable jurists would find the district court’s assessment of the constitutional claims debatable or wrong.” *Slack v. McDaniel*, 529 U.S. 473, 484 (2000).

Petitioner raised four issues in his petition for habeas corpus:

1. Violation of his Sixth Amendment right to a speedy trial;
2. Ineffective assistance of trial counsel;

3. Bias of the trial court; and
4. Ineffective assistance of appellate counsel.

The Court has reviewed each issue, as well as the supporting materials. For the reasons stated in the Court's April 28, 2006, Opinion and Order, a certificate of appealability is DENIED on each issue presented, because Petitioner cannot make a substantial showing of a denial of a constitutional right on any issue. Accordingly, IT IS ORDERED that no certificate of appealability shall issue in this matter.

IT IS SO ORDERED.

s/Lawrence P. Zatkoff
LAWRENCE P. ZATKOFF
UNITED STATES DISTRICT JUDGE

Dated: July 12, 2006

CERTIFICATE OF SERVICE

The undersigned certifies that a copy of this Order was served upon the attorneys of record by electronic or U.S. mail on July 12, 2006.

s/Marie E. Verlinde
Case Manager
(810) 984-3290